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Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Question of Western Sahara

Report of the Secretary-General

Summary

The present report, submitted pursuant to General Assembly resolution 59/131 of 10 December 2004, summarizes the reports that have been submitted by the Secretary-General to the Security Council on the situation concerning Western Sahara from 1 July 2004 to 30 June 2005.

* A/60/50 and Corr.1.

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1. On 10 December 2004, the General Assembly adopted resolution 59/131 on the question of Western Sahara by a recorded vote of 50 to none with 100 abstentions. The Secretary-General, in close cooperation with the Chairperson of the Commission of the African Union, has continued to exercise his good offices with the parties concerned. The present report, which covers the period from 1 July 2004 to 30 June 2005, is submitted in accordance with paragraph 9 of that resolution.

2. Pursuant to Security Council resolution 1541 (2004) of 29 April 2004, the Secretary-General submitted on 20 October 2004 a report to the Security Council (S/2004/827), in which he informed the Council that his Special Representative had conducted a round of consultations in the region to ascertain the positions of the parties and neighbouring countries. In the course of his consultations, the Special Representative ascertained that there had been no change in the position of Morocco with respect to the Peace Plan for Self-determination of the People of Western Sahara. Morocco continued to reject essential elements of the Plan, but indicated its readiness to negotiate a mutually acceptable autonomy status that would allow the people of the Territory to administer their own affairs, while respecting the sovereignty and territorial integrity of Morocco. The Frente POLISARIO maintained its support for the Peace Plan as expressed in its letter of 9 July 2003, while the position of Algeria also remained unchanged.

3. With respect to other developments on the issue, the Secretary-General informed the Security Council that the first phase of the exchange of family visits programme between Western Sahara refugees living in the Tindouf area refugee camps in Algeria and their relatives in the Territory had successfully been implemented with the full cooperation of the parties, as well as Algeria as the country of asylum. Telephone service links between the Tindouf area and the Territory had been extended during the period, with more than 9,200 refugees benefiting from the service. With regard to mail service, the Moroccan side had reiterated its concerns regarding the legal and administrative implications of the proposal under which the Office of the United Nations High Commissioner for Refugees (UNHCR) would establish a channel for collecting and distributing mail in the Territory, but had stated that it would continue to reflect on that issue in order to reach suitable arrangements for the implementation of the service.

4. In accordance with Security Council resolution 1541 (2004), the Department of Peacekeeping Operations conducted a review of the troop strength necessary for the United Nations Mission for the Referendum in Western Sahara (MINURSO) to carry out its mandated tasks. The review identified two options. The first option was to maintain the status quo, and the second option involved a number of steps, including the reduction of the current force strength by 16 per cent and closing the sector headquarters as well as a team site. The second option would allow MINURSO to continue to monitor the ceasefire, report violations and maintain daily liaison with the parties, albeit at a reduced level. In the report, the Secretary-General indicated his preference for the first option.

5. Concluding his report, the Secretary-General reported that there was still no agreement between the parties on the Peace Plan for Self-determination of the People of Western Sahara and that he would continue to look for opportunities to advance the goal of enabling the people of Western Sahara to exercise their right to self-determination. On a positive note, however, the agreement of the parties for the renewal of family visits was considered a welcome sign. He urged the parties to

continue cooperating with his Special Representative, UNHCR and MINURSO for the smooth implementation of the confidence-building measures, as well as for their expansion. He recommended that the Security Council consider extending the mandate of MINURSO until 30 April 2005.

6. On 28 October 2004, the Security Council adopted resolution 1570 (2004), in which it extended the mandate of MINURSO until 30 April 2005, and requested the Secretary-General to submit two reports, one before the end of the mandate period and an interim report, within three months from the adoption of the resolution, on the evolution of the situation and on the Mission's size and concept of operation, with further details on the options regarding the possible reduction of MINURSO staff.

7. On 27 January 2005, the Secretary-General submitted to the Security Council the interim report (S/2005/49) requested by the Council in its resolution 1570 (2004). In that report, the Secretary-General discussed the evolution of the situation, the size of the Mission and its concept of operations and offered further details on the options regarding the possible reduction of MINURSO staff. The Secretary-General reiterated the two options he had presented in his previous report (S/2004/827) with respect to MINURSO military strength, indicating that he remained convinced that any reduction in the size of the military component of MINURSO would have a negative impact on the effective implementation of the mandate of the Mission.

8. Turning to the issue of the Moroccan prisoners of war, he pointed out that the Frente POLISARIO had announced the release of two seriously ill prisoners of war, who were subsequently repatriated to Morocco. With respect to refugees from Western Sahara, the Secretary-General stated that both parties and Algeria as the asylum country had made a positive evaluation of the March-August 2004 pilot phase of the confidence-building measures. The parties had expressed their agreement in principle to the draft plan of action for the implementation of the second phase of the confidence-building measures programme. MINURSO and UNHCR had agreed to join efforts to implement the programme.

9. Concluding his report, the Secretary-General regretted that the lack of agreement to overcome the deadlock between the parties on the Peace Plan for Self-determination of the People of Western Sahara remained. He noted, however, that, notwithstanding actions of the parties, which, if continued, would be in violation of military agreement No. 1, the ceasefire that came into effect on 6 September 1991 continued to be respected by both sides and monitored by MINURSO within the limits of its capabilities. The Secretary-General cautioned, however, that various incidents in the MINURSO area of operations, while still circumscribed and isolated, should not be underestimated. He also expressed concern that the continuation of the political deadlock, if not reversed, might lead to a deterioration of the situation in Western Sahara. He added that MINURSO had undertaken a comprehensive review of the structure of the administrative and small civilian component of the Mission and pointed out that the parties had reiterated their strong desire that the Mission military size be increased and its patrolling and response capacities be reinforced.

10. On 19 April 2005, the Secretary-General submitted to the Security Council the report (S/2005/254) the Council had requested by its resolution 1570 (2004), in which he informed the Council that, notwithstanding an improvement in the

political climate in the region, there was still no agreement to overcome the deadlock between the parties and to enable the people of Western Sahara to exercise their right to self-determination.

11. In the report, the Secretary-General informed the Security Council that, while there had not been a breach of the ceasefire that had been in effect since 6 September 1991, there had been a serious deterioration in the compliance with military agreement No. 1.

12. With regard to the issue of prisoners of war and other detainees and persons unaccounted for, the Secretary-General noted that Frente POLISARIO continued to hold 410 Moroccan prisoners of war, but that on 12 February 2005 an unconfirmed report had claimed that two of those prisoners had escaped and returned to Morocco. The International Committee of the Red Cross (ICRC) continued to pursue the question of persons still unaccounted for in relation to the conflict. The Secretary-General again appealed to Frente POLISARIO to release all Moroccan prisoners of war and also to both Morocco and the Frente POLISARIO to cooperate fully with ICRC in accounting for those who are still missing as a result of the conflict.

13. With respect to Western Saharan refugees, the Secretary-General indicated that the World Food Programme (WFP) and UNHCR had increased their monitoring and logistical capacity in the Tindouf refugee camps. Concerning confidence-building measures, the Secretary-General reported that a new plan of action for the implementation of the 2005 phase had been submitted to the parties and to Algeria as country of asylum. Frente POLISARIO and Algeria had given their approval to the new plan of action, while the Moroccan Government had informed UNHCR of its intention to send a delegation to Geneva to discuss the proposed plan further. On 20 March 2005, UNHCR launched an appeal in the amount of $3,193,659, covering the budgetary requirements for the confidence-building measures programme during 2005. The Security Council was informed that the contributions and pledges received, amounting to $1,823,509, would enable UNHCR and MINURSO to resume family visits, assuming that the parties concerned reached consensus on the plan.

14. Concluding his report, the Secretary-General reiterated that he remained prepared to help the parties reach a just, lasting and mutually acceptable political solution and regretted that such a solution remained blocked, either for reasons of substance or because existing channels for the search for common ground were not being used. He expressed his hope that all concerned would show the necessary political will to break the current deadlock, enabling the resumption of the efforts of the United Nations to assist the parties in reaching a mutually acceptable political solution. The Secretary-General restated that the fundamental commitment of the parties to the ceasefire and the military agreements must be reinforced and reconfirmed.

15. The Secretary-General also felt that reducing the size of MINURSO would not be advisable at this stage. Given the prevailing conditions on the ground, he argued that MINURSO should be in a position to provide an adequate response as needed and ensure the effective monitoring of the ceasefire. It was the view of the Secretary-General that the Mission should, at a minimum, be maintained at its current strength and that, given the gravity of some of the violations, consideration could be given to its strengthening. He informed the Security Council that a review of MINURSO standard operating procedures had started in order to further enhance

its monitoring and verification capabilities. He recommended that the Council consider extending the mandate of MINURSO until 31 October 2005.

16. On 28 April 2005, the Security Council, reaffirming its commitment to assist the parties to achieve a just, lasting and mutually acceptable political solution, adopted resolution 1598 (2005), by which it extended the mandate of MINURSO until 31 October 2005 and requested the Secretary-General to provide a report on the situation by the end of the mandate.

17. On 6 May 2005, the Secretary-General announced that his Special Representative to Western Sahara, Mr. Alvaro de Soto (Peru), had been appointed as United Nations Special Coordinator for the Middle East Peace Process and his Personal Representative to the Palestine Liberation Organization and the Palestinian Authority.